THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No.9096 OF 2006

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DATED: 27-04-2006

Between:

K.Madhavi Latha and another . . .Petitioner

and

The Assistant City Planner,

MCH, Hyderabad, and others . . .Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.9096 OF 2006

O R D E R:

The petitioners claim to be the owners of plot No.22 in the sanctioned layout vide

No.1424/T.P/68, dated 05-07-1968, of Woman's Cooperative Housing Society Limited of Shaikpet Village. When they approached the first and second respondents seeking sanction of building permission, they were informed that unless they obtain No Objection Certificate from the third respondent, the same will not be received and accepted. In view of the same, they moved this Court by way of present writ petition.

This Court in **DISTRICT COLLECTOR v. N.KRISHNA MOHAN** categorically held that obtaining of No Objection Certificate from the Collector arises only when any law presupposes. Mere circular or an executive order informing the petitioners to obtain No Objection Certificate along with the application filed seeking sanction of permission to construct a building is not at all warranted. This Court while reiterating the same in **HYDERABAD POTTERIES PRIVATE LIMITED v. DISTRICT COLLECTOR, HYDERABAD** categorically held that application for grant of permission to construct a building is conferred upon the Commissioner of Municipal Corporation to consider the same by taking into consideration the documents filed by the applicant along with the application, including the permission already granted by the Corporation to the applicant earlier. The Commissioner shall not reject the application of the petitioners solely on the basis of an objection purported to have been raised by the Joint Collector. The objections, if any raised, will also be taken into consideration with the relevant material on record. The Commissioner shall not reject the application of the petitioners for grant of permission solely on the basis of entries said to have been made in TSLR are not accompanied by any No Objection Certificate from the revenue officials. The said view is also held by the Division Bench in W.A.No.1096 of 2001, dated 24-12-2001.

In view of the same, the first respondent is hereby directed to receive the application of the petitioners without insisting No Objection Certificate, consider the same and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order.

With the direction as above, the writ petition is disposed of. No costs.

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(V.ESWARAIAH, J)

27th APRIL, 2006.

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